

The Eagle

M. MURDOCK & BROS.
Publishers and Proprietors

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The fact that the case is a new one in certain respects, traveling over certain new legal ground, has given it increased interest to many, especially to the members of the bar. The argument made by Mr. Hume was referred to as most emphatic and clear and quite worthy of a liberal synopsis.

Mr. Hume began by tracing the history of the various political parties in the United States since the formation of the constitution. He showed that each party had its origin and birth in an idea. That it was the idea of the party, and not the standard bearer of the party around which the adherents of the party rallied. That this was true of the Federalists party and the Republican party of early times. That the idea of the Republicans being victorious, it became in time woven in the national fabric, became a fixed fact and hence the demise of the Federalist party. Coming down to the time of James Monroe he showed that it was not the personality of James Monroe that gave the Monroe party victory in the nation, but it was the idea of the "Monroe doctrine," an idea that had for its object the non-interference of other nations with the legitimate sphere of the commerce of the United States. The victory of the party of the idea of the Monroe doctrine "hinged the idea of a fixed fact and a fixed thing. The origin of the Whig party and that of the Democratic party at the time of the Mexican war, were founded on ideas essentially and antagonistically opposed to their objects and purposes. The idea of the Democratic party at such time was the annexation of the republic of Texas. No one voted for the candidates of the party and not the standard-bearer or candidate, that brought it adherents and votes. The origin and rise of the Abolition party was founded and brought about on the idea that slavery was wrong, and the legitimate purpose and object of such idea was the abolition and destruction of slavery. No one voted for the candidates of the Abolition party on account of their personality, but gave their support and adherence thereto because of the idea of such party.

The origin and rise of all the parties down to the present time was taken up and freely discussed. The idea of the Whig party and the doctrine of each of the political parties that had adherents and supporters in Kansas was fully explained and commented on. The idea of the People's party was in the main that the old parties were not true to the interests and good of the people, and that there should be government of the people, the nation, and the people should be abolished, the railways and telegraph lines should be taken under the wing and federal care of the general government.

Of the hundred thousand voters, casting their ballots in Kansas, at the late election but few voted that way because of the personality of the candidates, but the great majority, the body of such voters were cast for the idea that brought such party into existence. That in all republics where the people were the sovereigns, it was the idea of each party that the ballot was cast and not the personality of the candidates, that brought such party into existence.

After reading the law passed by the legislature of Kansas in 1887, and the construction and analysis of which hinged this case, it was clearly demonstrated that all laws of all characters should be construed in the light of the history that preceded the enactment of such laws.

That such laws only become intelligible in the light of past and contemporaneous history. That in the history of past events was the origin and course of all law. That a law pre-supposed the existence of an evil, and the law had for its intended results the correction of such evil and the prevention of the same from being repeated. That the law was not intended to be considered dangerous and inimical to the body politic.

And so taking this law in the light of history, in the light of the fact that ideas and not men were voted for, it was manifestly the object and intention of the legislature in passing such law, to protect the ideas of the people, and not the protection of the individuals who at the time happened to be the candidates of the various political parties.

With this view as the basis of the analysis and construction of the law, the definition and the meaning of the word ballot, in such law, was that the ballot when cast was the expression of the idea of the elector casting such ballot. That when a ticket with a designated heading thereon, was voted, it was a vote for the idea expressed in such heading. If the ballot was headed "Republican Ticket," it was an expression of the correct idea of the Republican party. If the ballot was headed "Democratic Ticket," it was an expression of the correct idea of the Democratic party, and the same of the People's party and Prohibition party.

That the names of the candidates under such designated headings were the exponents and functionaries of the idea necessarily expressed by and understood in such heading. When a ticket was printed, and the parties procuring the tickets to be printed, whether private parties or the committee of a political party, had placed thereon a designated heading, and names of candidates thereunder, such headings must be truthful, and that all candidates themselves, must be of the political persuasion as indicated by the heading. A ticket with a heading or caption designated Republican must not contain the name of a candidate not on the regular ballot, or the ticket, so far as such name is concerned, was fraudulent and should not be counted for such name; that the word "Republican" was indicative of the correct idea of the Republican party in general use; that all electors had the moral, the political, the legal right to say that a ticket in the heading "Republican" was expressive and indicative of its character, and the political character of every person there under, and that if the name of one was printed on a ballot, with the heading of "Republican ticket," when, in fact, he was the candidate for the same office of another political party, whose idea was altogether antagonistic and destructive of the Republican party, such name was a violation of such moral, political and legal right of the elector. And the same was true with a heading indicative of and expressive of the idea of such party, and consequently of the political character and nature of everyone as a candidate for an office there under.

That law was to protect electors in their moral, political and legal rights, that all tickets and ballots with a designated, must speak the truth and not deceive the voter, in its relation to the name of the designated head, spoke truly the political character and status of the names printed thereunder.

Coming down to facts in the case the evidence clearly showed that prior to the Democratic convention of Sedgewick county, the People's party held a convention, nominated for reelection, Ayres, for the office of clerk of the district courts. That the contestant, C. H. Luling, was the nominated candidate of the Republican party. That after the nomination of Luling and Ayres, the Democrats nominated R. F. Coates for the same office, and Coates made a "blanket" campaign before the electors and that tickets and ballots with the heading of "Democratic Ticket," containing the name of R. F. Coates for such office were printed and distributed, and the same was true with the heading of the People's party ticket and the Prohibition ticket. That on Sunday and Monday before the election by balloting and promises Coates was forced by a parcel of political schemers and tricksters, and tickets with the heading of "Democratic Ticket" and the heading of the People's party ticket, and distributed containing printed thereunder as the candidate for the office of clerk of district court, the name of W. W. Ayres. The question is on all tickets with such a heading, and the name of Ayres printed thereon, fraudulent and deceit, a delusion and a snare for the electors voting such ticket, when all the electors had the moral, political and legal right to believe such ticket expressed the truth, and was indicative of the political character of the individuals printed thereon as candidates.

If Coates had the right to withdraw and if he had withdrawn and requested the name of Luling, the Republican candidate, to be placed thereon, and it was so done, would not each and every ballot, headed "Democratic Ticket," with the name of C. H. Luling printed thereunder as the candidate for such office, be a fraud, in the pervious of the law, when construed and analyzed, in the light of history, that a ballot expressed its character by its heading and is a certificate that the name of each candidate printed thereon, is of the same political character and persuasion of the idea expressed in its heading.

No one will claim for a moment that if Luling had been printed on such a ticket, such ticket could not be counted for Luling, and is a certificate that for Ayres, when the parallel is the same. And if the name of the Prohibition candidate for clerk had been printed on tickets headed "Democratic Ticket," for the office of clerk, we would see the strange anomaly of Democrats when such ticket was given him, of having the political and legal right to vote for such ticket, and date for that office is opposed to prohibition, and when he votes, in voting for the idea of hostility to prohibition he unwittingly and unintentionally votes for a man whose ideas on such subject are the opposite of his own, and thereby his legal right under the law, is perverted and destroyed. Hence, the law, the wrong contemplated by the legislature, and the law enacted sought the correction of such evil, by saying that the ballot should not be counted for such candidate.

These considerations apply equally to a People's party candidate, or to a Republican candidate or a Prohibition candidate, when printed on a ballot with the designated heading of "Democratic Ticket," and is fraudulent and comes clearly within the meaning of the law.

With these views in consideration it is manifest that all ballots voted containing the name of W. W. Ayres as a candidate for the office of clerk of the district courts, under the designated heading of "Democratic Ticket," are a fraud to the extent of such name and ought not to be counted for W. W. Ayres but should be rejected as a fraud and a deceit practiced on the electors voting the same.

A CHRISTMAS STORY.

It was nearly the end of the year, and Christmas was coming on. A mother spoke to her child—
"Come, listen to what I have to say.
I think I must tell you my dear,
Although I am sorry I must,
It really is time you should hear
That old Santa Claus is a myth,
No new put it out of your head,
For he's not the one brings you gifts,
His papa and mamma instead."

The little eyes looked wild at the words,
And tears stood just ready to start,
That mamma could say such a thing,
And with old Santa must part.
O, how was her heart all the day
To think she had been so deceived.
The world seemed quite hollow and false
Could anyone now be believed?
"I think I'll say my prayers,"
She said as she climbed into bed,
"No Santa Claus, there is no God;
His papa and mamma instead."

And Oh! how her parents were shocked
To learn such a false expression,
To learn that a false expression,
It made them feel deeply distressed,
That they had been so deceived,
This state of her mind could expect,
Till at last they fully succored,
The more than their child expected,
And with a smile she looks back
To the earliest trial of her life:
She fully atones for her deed,
For now she's a minister's wife.

—GEORGIA MCCOY.

AT MCCORMICK SCHOOL.

Those who attended the Christmas entertainment of the eighth grade, McCormick Avenue school, were highly entertained. The following program was admirably rendered.

Song.....By the School
Evangelical.....Pearl Agnew
The Vagabond.....Lillian Edwards
The Yankee in Love.....Elmer Gifford
Favorite Quotations.....John Godfrey
Song.....Lulu Dewey
Song.....Misses Sampson and Bowman
The First Settler's Story.....Higginson
The Boys.....Alymer Hendryx
Earth's Angels.....Maud Bottenfield
Favorite Quotations.....Bessie Laughlin
Instrumental Solo.....Lulu Dewey
Jesus and the Little One.....Lillian Edwards
Irish Honor.....Lulu Sutton
Favorite Quotations.....Wm. Lohrwood
Forgiveness.....Harry Kaiser
Song.....Misses Lewis, Sampson
The McGovern Avenue Cycle.....Lillian Edwards, Jesse Hicks
The Boy's Story.....Alymer Hendryx
A Teacher's Dream.....Maud Lewis
How He Saved St. Michael's.....Maud Lewis
Favorite Quotations.....Helen McCormick
Destiny.....Helen Reitz
Instrumental Solo.....Maud Lewis
Song.....Bessie Laughlin
Song.....Nicholas Bird
Sleep at the Switch.....Edith Smith
Jim Burdick.....Charles Kenyon
Song.....Dorothy Sutton
Song.....By the School
Favorite Quotations.....Eddie Bell
The Lost Steamship.....Catherine Sampson
An Angel in a Sash.....Edith Ramsey
Myrtle McCormick.....Jesse Hicks
Favorite Quotations.....John Elliott
Instrumental Solo.....Charles Higginson
The Little Breches.....Susan Thompson
The Brave Hunter's Child.....Maud Bowman
Song.....Maud Bowman
The Cumulative.....Edmund Davidson
Song.....By the School

An Revolt.
The society paper, McCormick Avenue Cycle, was one of the special features, being spicy, full of wit and originality. The special departments were read by the editor or editors of the same. It contained an attractive Christmas story, "Joy Robbins," written by Miss Bessie Laughlin, which deserves special mention, reflecting great credit to its youthful authors.

The room in the new school building was artistically decorated with the old time Christmas tree in one corner. Mrs. Booth evidently is highly esteemed by her pupils as expressed in various ways, especially by presenting her with a pearl and gold pinholder, and a silver painted handkerchief, and a beautiful ball ball, all appropriately received.

The First, Second, Third and Fourth grades in the same building united their exercises in Mrs. Edgar's room with quite an elaborate program, consisting of songs and recitations rendered with credit to all. The special feature was, as one of the special features and called out the approbation of the house.

THE TELEPHONE GIRL.
Did anyone ever meet or see the telephone exchange girl? She can't be a publicity, a mere abstract minus, nor yet but the cadence of an electrical conjuration, for she knows your ring, calls you by name and asks you to stand the line, in the way: "What is it?" She is the first to greet you in the morning and when she has your ear all to yourself, she calmly remarks: "Just testing the line." Thousands talk to her every day in a thousand cities and she knows half of them intimately and often just who or what is wanted. And she knows the things she hears and knows of homes, of offices, and of business affairs, of secrets and confidences. Her unswerving patience and imperturbable equanimity are simply marvelous and one might be inclined to think she must be merely an angelic concert but for her inauspicious suggestion to stand farther back from the instrument for your breath smells of onions. Angels can't smell so gross a material as onions, certainly not at the end of a wire a mile long. If she is what her voice would seem to indicate, a female entity, then a combined charge of electricity and indefinable "what is it" with a basket of onions, symbol and proof of the Darwinian theory of the survival of the fittest and natural selection, for all the past ages have been unable to produce any device that would give a woman all the talk she wanted and keep her steadily at her post day and night. Still the telephone exchange girl remains a mystery far away, shadowy and mythical, and yet a substantial link that we would not give up for a deal.

A YOUNG ATTORNEY IN SENSATIONAL SOUP.
And now it happens that a well known young attorney has got into some sort of a racket that is giving the long-eared variety of humanity a chance to prolong their lives. He was spending an evening with his best friend, the Hon. Justice, who was scarcely less than portly Mrs. Rocky, of North Main, suddenly appeared on the scene with revolver and knife, and wanted to light the earth and all the people there on. She did proceed to fight some of them and had a nice time. The young attorney jumped on a window, landed on the outside ten feet below where he started, and in the fond embrace of a big dog that did not understand how it was that any one should be leaving the residence in that way. The poor fellow had a tussle with the dog and got the worst of it. He was for a time and washed his face and the dog recently left in the parlor. It was something like the fellow who jumped from the frying pan into the fire, but being in the fire he kicked.

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The origin and rise of all the parties down to the present time was taken up and freely discussed. The idea of the Whig party and the doctrine of each of the political parties that had adherents and supporters in Kansas was fully explained and commented on. The idea of the People's party was in the main that the old parties were not true to the interests and good of the people, and that there should be government of the people, the nation, and the people should be abolished, the railways and telegraph lines should be taken under the wing and federal care of the general government.

THE LULING-AYRES CONTEST.

The Argument in the Case Closed Yesterday by John E. Hume, Esq.—The Court to Meet Wednesday Next.

The argument in the Luling-Ayres election contest case was closed yesterday by John E. Hume in a speech of one hour and forty minutes in behalf of the contestant Mr. Luling. The court room was crowded with spectators, but Mr. Hume addressed himself to the court strictly as it was a court case. He had no rant and campaign sallies and jokes to ring in by the way of an attempt to enforce the legal argument or make a show for show purposes. The court gave unusually close attention and the argument made was referred to as an extremely strong one. The court adjourned to meet Wednesday next at 11 o'clock a. m., when it is supposed a decision will be given. It is the day before New Year and the result will no doubt be a gift highly satisfactory to Mr. Luling or Mr. Ayres.

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Mr. Hume began by tracing the history of the various political parties in the United States since the formation of the constitution. He showed that each party had its origin and birth in an idea. That it was the idea of the party, and not the standard bearer of the party around which the adherents of the party rallied. That this was true of the Federalists party and the Republican party of early times. That the idea of the Republicans being victorious, it became in time woven in the national fabric, became a fixed fact and hence the demise of the Federalist party. Coming down to the time of James Monroe he showed that it was not the personality of James Monroe that gave the Monroe party victory in the nation, but it was the idea of the "Monroe doctrine," an idea that had for its object the non-interference of other nations with the legitimate sphere of the commerce of the United States. The victory of the party of the idea of the Monroe doctrine "hinged the idea of a fixed fact and a fixed thing. The origin of the Whig party and that of the Democratic party at the time of the Mexican war, were founded on ideas essentially and antagonistically opposed to their objects and purposes. The idea of the Democratic party at such time was the annexation of the republic of Texas. No one voted for the candidates of the party and not the standard-bearer or candidate, that brought it adherents and votes. The origin and rise of the Abolition party was founded and brought about on the idea that slavery was wrong, and the legitimate purpose and object of such idea was the abolition and destruction of slavery. No one voted for the candidates of the Abolition party on account of their personality, but gave their support and adherence thereto because of the idea of such party.

The origin and rise of all the parties down to the present time was taken up and freely discussed. The idea of the Whig party and the doctrine of each of the political parties that had adherents and supporters in Kansas was fully explained and commented on. The idea of the People's party was in the main that the old parties were not true to the interests and good of the people, and that there should be government of the people, the nation, and the people should be abolished, the railways and telegraph lines should be taken under the wing and federal care of the general government.

Of the hundred thousand voters, casting their ballots in Kansas, at the late election but few voted that way because of the personality of the candidates, but the great majority, the body of such voters were cast for the idea that brought such party into existence. That in all republics where the people were the sovereigns, it was the idea of each party that the ballot was cast and not the personality of the candidates, that brought such party into existence.

After reading the law passed by the legislature of Kansas in 1887, and the construction and analysis of which hinged this case, it was clearly demonstrated that all laws of all characters should be construed in the light of the history that preceded the enactment of such laws.

That such laws only become intelligible in the light of past and contemporaneous history. That in the history of past events was the origin and course of all law. That a law pre-supposed the existence of an evil, and the law had for its intended results the correction of such evil and the prevention of the same from being repeated. That the law was not intended to be considered dangerous and inimical to the body politic.

And so taking this law in the light of history, in the light of the fact that ideas and not men were voted for, it was manifestly the object and intention of the legislature in passing such law, to protect the ideas of the people, and not the protection of the individuals who at the time happened to be the candidates of the various political parties.

With this view as the basis of the analysis and construction of the law, the definition and the meaning of the word ballot, in such law, was that the ballot when cast was the expression of the idea of the elector casting such ballot. That when a ticket with a designated heading thereon, was voted, it was a vote for the idea expressed in such heading. If the ballot was headed "Republican Ticket," it was an expression of the correct idea of the Republican party. If the ballot was headed "Democratic Ticket," it was an expression of the correct idea of the Democratic party, and the same of the People's party and Prohibition party.

That the names of the candidates under such designated headings were the exponents and functionaries of the idea necessarily expressed by and understood in such heading. When a ticket was printed, and the parties procuring the tickets to be printed, whether private parties or the committee of a political party, had placed thereon a designated heading, and names of candidates thereunder, such headings must be truthful, and that all candidates themselves, must be of the political persuasion as indicated by the heading. A ticket with a heading or caption designated Republican must not contain the name of a candidate not on the regular ballot, or the ticket, so far as such name is concerned, was fraudulent and should not be counted for such name; that the word "Republican" was indicative of the correct idea of the Republican party in general use; that all electors had the moral, the political, the legal right to say that a ticket in the heading "Republican" was expressive and indicative of its character, and the political character of every person there under, and that if the name of one was printed on a ballot, with the heading of "Republican ticket," when, in fact, he was the candidate for the same office of another political party, whose idea was altogether antagonistic and destructive of the Republican party, such name was a violation of such moral, political and legal right of the elector. And the same was true with a heading indicative of and expressive of the idea of such party, and consequently of the political character and nature of everyone as a candidate for an office there under.

That law was to protect electors in their moral, political and legal rights, that all tickets and ballots with a designated, must speak the truth and not deceive the voter, in its relation to the name of the designated head, spoke truly the political character and status of the names printed thereunder.

Coming down to facts in the case the evidence clearly showed that prior to the Democratic convention of Sedgewick county, the People's party held a convention, nominated for reelection, Ayres, for the office of clerk of the district courts. That the contestant, C. H. Luling, was the nominated candidate of the Republican party. That after the nomination of Luling